

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5060 OF 2007

Proposed Datta V.K.S. (Vikas)

Seva Sanstha Limited... ..Petitioner

V/s

Balbhim V.K.S.(Vikas) Seva Sanstha Ltd. & Ors... ..Respondents.

Mr.V.D.Patil, Adv. For the petitioner.

Mr.S.K.Chincholikar, AGP for respondent Nos. 3 to 6.

CORAM: A.P.DESHPANDE, J.

27/8/07

PC:

Leave to amend granted.

The present petitioner-society was granted registration in the year 1999 despite there being in existence two other societies being respondent Nos. 1 and 2. The respondent Nos. 1 and 2 filed an appeal against the order of registration but the appeals came to be dismissed and hence respondent Nos. 1 and 2 preferred revisions which came to be allowed and the matter was remanded to the District Deputy Registrar. The authority while granting registration to the society is obliged to investigate as to whether granting of such registration would adversely affect the working of existing societies. The District Deputy Registrar on such examination of record found that the granting of registration to the petitioner would adversely affect the respondent No.2-society and hence

did not grant registration. An appeal carried against the said order so also revision by present petitioner came to be dismissed and hence present writ petition has been filed. Perusal of the order passed by the District Deputy Registrar reveals that a finding is recorded that the granting of registration to the petitioner would adversely affect the respondent No.2-existing society. It is also observed in the order that though the petitioner claims to have 139 members, 108 out of them are already members of either respondent No.1 or respondent No.2. Thus the petitioner has only 31 members of its own. Perused the order. Same does not suffer from any illegality or impropriety warranting interference in exercise of writ jurisdiction. Hence writ petition is summarily dismissed.

27.8.07